## REMARKS

This RCE is filed primarily to correct a misdescriptive aspect of claims 2, 24, 29-34, 36 and 38, and to add claims 40 and 41. Claims 2, 24, 29-34, 36 and 38 previously indicated the wireless signal strength, as transmitted from the current location of the mobile device and received at the access point, were measured. However, as indicated, inter alia, by page 13, lines 9-11 and 15-17, as well as page 16, lines 15-17 the user's laptop 14 measures the signal strength of the signal the laptop receives from wireless hub 20, that is, access point 20. The claims have also been amended for clarity. Claims 18 and 27 have been canceled because they are contrary to claims 16 and 25, on which they depended. The specification has also been amended to correct some errors of syntax.

Applicant traverses the rejection of all pending claims as being anticipated by Ohta, US Patent Application Publication Number 2001/0029531.

The rejection of claim 1 relies on Fig. 1 and paragraph 0037 Of Ohta that describes the structure of Fig. 1 for the preamble of the claim and the requirement of the claim to wirelessly send a user preference from the mobile device to the access point, thence to a network print controller that responds to the sent preference by accessing predetermined properties of plural network printers. The rejection of claim 1 then relies on paragraph 0007 of the Summary of the Invention portion of the Ohta reference for the requirements of claim 1 to match at the network print controller one of the properties of the plural network printers with the user preference. Paragraph 0007 of the Summary

of the Invention portion of Ohta is also relied on for the requirement of the network print controller selecting the printer that is to print the file in accordance with the results of matching the predetermined property of the plural network printers with the user preference.

Consideration of the complete description of Fig. 1 of Ohta as set forth in paragraphs 0038 – 0045 indicates the Examiner has incorrectly interpreted Fig. 1 of the Ohta reference.

The Examiner relies on access point 16 of Ohta for the claimed access point. Careful consideration of Ohta indicates there is no signal from portable digital device 11 that is routed through access point 16 to network 15. Instead, signals generated by portable digital device 11 are coupled directly to print station 12C in the operations indicated by Figs. 4 and 5, as described in paragraphs 0040 and 0041 of Ohta. In the system of Fig. 1, access point 16 is used only to transmit signals from network 15 to portable digital device 11, as indicated by Fig. 3 and the description thereof in paragraph 0039.

The operation of the system illustrated in Fig. 1 is summarized in paragraphs 0043 and 0045.

Paragraph 0043 indicates the print requester, that is, the author who generated the document at client device 14 (paragraph 0038, lines 6 and 7) is able to deliver a hard copy of a desired document to a carrier of portable digital device 11 (that is, the person carrying the portable digital device) at a convenient location for the person carrying the portable device. A print data pointer that indicates an address where the

data to be printed is stored in print server 13 (paragraph 0039, third sentence) and transferred to the person carrying portable digital device 11 by a wireless connection.

As indicated in paragraph 0044, in the second stage, illustrated in Fig. 3 of the operation of the system illustrated in Fig. 1, print server 13 sends a print notice indicative of the requested print job that the author has created to a specified portable digital device 11 via network 15 and access point 16. As illustrated by Fig. 8 and described in paragraph 0045, portable digital device 11 responds to the print notice signal indicative of the requested print job that is sent to it via network 15 and access point 16 by broadcasting a wireless command signal "connect" toward print stations including print station 12C. In response to print station 12C receiving the broadcasted wireless "connect" signal, print station 12C transmits a return wireless signal to portable digital device 11 to indicate a successful connection. Print station 12C is thus selected as the print station for the current print delivery that the author at client computer 14 has created. To this end, portable digital device 11 sends print station 12C a print data pointer, which includes a reference to a file stored at print server 13. The print data pointer thus retrieves from print server 13 the document that the author at client computer 14 has created. Upon receiving the print data pointer signal, print station 12C acknowledges receipt of the print data pointer signal by sending a signal to portable digital device 11, as indicated by the third step, illustrated in Fig. 4. Upon receiving the print data pointer signal, print station 12C acknowledges receipt by returning another wireless signal to indicate a successful transmission receipt during a fourth step. After the above described wireless communication takes place, portable digital device 11

sends a disconnect command signal to break the connection between portable digital device 11 and print station 12C, in a sixth step.

The foregoing detailed analysis of the operation of Fig. 1 clearly indicates Ohta does not meet the requirements of claim 1. Access point 16 does not enable messages from a mobile device to be relayed to a plurality of printers via a network. Access point 16 is never disclosed as receiving any messages from portable digital device 11. Consequently, there is no disclosure of access point 16 relaying messages from portable digital device 11 to print stations 12A, 12B and/or 12C. Instead, print station 12C receives messages from portable digital device 11 directly, rather than via access point 16.

The Office Action relies on lines 13-19 of paragraph 0037 for the foregoing feature. However, a close reading of this portion of Ohta does not specifically state that access point 16 enables messages from mobile device 11 to be relayed to two or more of printers 12A, 12B and 12C. In particular, paragraph 0037, lines 12-19, states:

> The portable digital devices 11 include a cellular phone, a note-sized computer and a personal digital assistant (PDA). The portable digital device 11 is wirelessly connected to the network via a wireless communication link $11_1$ and the access point 16. The access point 16 is a relay-station between the cable network and a wireless communication device.

This language never specifically states that access point 16 receives messages from wireless communication device 11 and relays them to cable network 15. The description of operation of the system of Fig. 1 clearly indicates access point 16 does

not receive signals from wireless communication devices 11. Paragraph 0040, penultimate sentence, indicates the search area associated with digital device 11 wirelessly sending information to a select print station 12C is a narrow area search arrangement in contrast to a broader transmission area of the Personal Handy-firm system.

There is also no disclosure in Ohta of wirelessly sending at least one user preference from a mobile device to an access point, thence to a network print controller. Instead, portable device 11 transmits directly to print station 12C a first wireless signal, as indicated by the second sentence of paragraph 0040. The first wireless signal scans and discovers printers in a limited area. The first wireless signal is coupled directly to print station 12C, not to access point 16. The reliance on lines 15-19 of paragraph 0037 for the requirement of claim 1 to wirelessly send a user preference from mobile device 11 to access point 16, thence to print server 13 is incorrect. In this regard, see the previous discussion of paragraph 0037, lines 13-19.

The Office Action incorrectly alleges lines 18-23 of paragraph 0037 disclose the requirement of claim 1 for a print controller that responds to the sent preference by accessing predetermined properties of plural networked printers. Lines 18-23 of paragraph 0037 state:

> The access point 16 is a relay-station between the cable network 15 and a wireless communication device. The print stations 12A, 12B and 12C each have a corresponding wireless communication unit $12A_1$, $12B_1$ or $12C_1$ to wirelessly as well as directly via the cable network 15 communicate with the portable digital device 11.

Hence, there is no mention in paragraph 0037, lines 18-23, of Ohta that even mentions print server 13. In fact, paragraph 0040, lines 13-19, indicates portable digital device 11 determines a desired print station to be print station 12C. This is completely contrary to the allegation in the Office Action that print controller 13 responds to a sent preference from mobile device 11 by accessing predetermined properties of plural networked printers.

The Office Action alleges paragraph 0007, lines 8-10, of Ohta discloses the requirement of claim 1 for matching, at the network print controller, a predetermined property of plural networked printers with the user preference that was sent by the mobile device. According to the Examiner, this requirement of claim 1 requires network server 13 of Ohta to match the properties of networked printers 12A, 12B and 12C with a user preference sent by portable digital device 11. The relied upon portion of Ohta states:

> determining at least a positional relationship between the portable digital device and each of the print stations based upon the first wireless signal;

Paragraph 0007, lines 6-8 indicate the first wireless signal is sent directly from a portable digital device to the print stations in a predetermined area. In connection with the embodiment of Fig. 1, this means that portable device 11 sends a signal to print station 12C. There is no basis, from lines 8-10 of paragraph 0007 to conclude that the determination of the positional relation between portable digital device 11 and print stations 12A, 12B and 12C based upon the signal transmitted from portable digital

device 11 is made by network server 13. It is impossible to tell, from the foregoing language of paragraph 0007, lines 8-10, where the determination is made. However, the detailed description of Fig. 1 indicates the determination is made by portable digital device 11; see paragraph 0040, lines 13-19.

The final rejection relies on lines 10-12 of paragraph 0007 to meet the requirement of claim 1 for the network print controller to select the printer that is to print the file in accordance with the results of the matching. However, paragraph 0007, lines 10-12, state:

> selecting at least one of the print stations based upon the positional relation;

Hence, lines 10-12 of paragraph 0007 merely include a broad statement about one of the print stations being selected, but provide no indication of the print station being selected at the network print controller, that the Examiner interprets to be print server 13 of Ohta. As previously discussed, portable digital device 11 determines the print station that is selected; see paragraph 0040, lines 13-19.

Independent claim 16 includes all the selecting steps of claim 1. In addition, claim 16 requires the file to be transmitted to the selected printer for printing.

The selecting steps of claim 16 are alleged in the final rejection to be disclosed by Ohta for the same reasons that the selecting steps are alleged to be disclosed by Ohta for claim 1. As has been pointed out in connection with claim 1, the rationale relied on in the final rejection for the selecting steps is completely wrong.

Consequently, claim 16 is not anticipated by Ohta for the same reasons set forth for claim 1.

Independent claim 22 also includes numerous limitations that are not found in Ohta. In fact, the rejection of claim 22 is such that the relied upon portions of Ohta are contrary to the statements in the rejection.

The rejection of claim 22 states access point 16 provides access to devices on the network in response to a wireless message from mobile device 11. In fact, as previously discussed, Ohta has no disclosure of access point 16 being responsive to a wireless message from mobile device 11. Instead, wireless device 11 communicates directly with the print stations, as discussed in connection with the rejection of claim 1.

The Office Action relies on paragraph 0037, lines 30-36 of Ohta to disclose a wireless message from mobile device 11 including a file to be printed. However, this portion of Ohta states print server 13 sends a print job to print station 12C. More specifically, the description of Fig. 2 in paragraph 0038 clearly indicates the print job is sent from client device 14 to print server 13 and the description of Fig. 6 indicates print server 13 responds to a data pointer from print station 12C by transferring the requested data in the print job originated by client device 14 to the station 12C that portable digital device 11 selected.

The Office Action alleges print server 13 of Ohta is arranged to receive at least one user preference from mobile device 11 via access point 16, and relies on lines 15-23 of paragraph 0037 for such a disclosure. It has been previously indicated, in connection with claim 1, that print server 13 of Ohta does not receive communications

from mobile device 11 via access point 16. There is no specific statement in the relied on portion of Ohta to indicate messages from portable digital device 11 are routed to print server 13 via access point 16. As discussed *supra*, portable digital device 11 communicates directly with print station 12C.

Claim 22 also requires the print controller to include a matching arrangement for matching at least one property of the printers with at least one user preference and to select the printer that is to print the file in accordance with the results of the match. To meet these limitations, the Office Action relies on lines 10-14 of paragraph 0007. As discussed previously, there is no indication in this portion of paragraph 0007 that a print controller or print server matches a property of one of printers 12A, 12B or 12C with a user preference that is transmitted from the portable digital device. In the system of Fig. 1, as previously discussed, the matching and selecting is performed by the portable digital device, as set forth in paragraph 0040, lines 13-19.

Claims 2, 24, 29-34, 36 and 38, as amended, and new claim 41 are not anticipated by Figure 1 of Ohta, inter alia, because they require measuring transmitted wireless signal strength as received at the current location of the mobile device and transmitted from the access point. In Ohta portable digital device 11 performs no measurement of the strength of the signal the portable digital device receives from access point 16. Consequently, the system illustrated in Figure 1 does not wirelessly transmit the measured signal strength from the mobile device 11 to the print controller comprising server 14.

The Office Action incorrectly alleges lines 1-11 of paragraph 0058 of Ohta

disclose the claimed matching step of claim 2 that includes combining indications of the measured wireless signal strength at the mobile device with a plurality of stored wireless signal strengths between the access point and each of the printer locations. Paragraph 0058, lines 1-11 indicates the selection is based solely on measured signal strength, as received by the print stations. There is no mention of signal strengths between access point 16 and print server 13 in paragraph 0058, lines 1-11. In addition, there is no disclosure of access point 16 receiving any signals from portable digital device 11. Signals from the digital device 11 are transmitted only to print stations 12A, 12B and 12C. The similar limitations of claims 24, 39-34, 36 and 38, and new claim 40 are not disclosed by Ohta for similar reasons.

The rejection of claims 2, 24, 29-34, 36 and 38 is also incorrect because it is improper to combine the disclosure in paragraph 0058 of Ohta, that relates to the embodiment of Figures 15A and 15B, with the portion of the disclosure dealing with the embodiment of Figures 1-6 in connection with an anticipation rejection based on 35 USC 102(e). The separate embodiments do not provide a description of the claimed invention, as required by 35 USC 102 (e).

The allegation that paragraph 0037 of Ohta discloses the requirement of claim 9 to compare the current number and/or size of print jobs in each of the printers' memories and making the selection based on the printer with the lowest number and/or size of print jobs is without foundation. Paragraph 0037, ante-penultimate sentence, indicates that if any of the print stations 12A, 12B or 12C develops a problem, such as a paper jam, the print server re-transmits the print job to the restored print station. This

paragraph also indicates the print stations are either color or black-and-white printers and that they may share a common page description language with print server 13. There is nothing to indicate a selection is based on the printer having the lowest number and/or size of print jobs.

The anticipation rejections of claims 11 and 12, are incorrect because these rejections combine features of the embodiment of Figures 1-6 with the embodiment of Figures 15A and 15B (discussed in paragraph 0058) and the embodiment of Figures 19A and 19B. These rejections are wrong as a matter of law because the separate embodiments do not provide a description of the claimed invention.

The rejection of claim 11 is also incorrect because there is no disclosure in any of the embodiments of Ohta relied on in connection with the rejection of claim 11 of the strongest signal strengths of the printer and the mobile device being equal and there is no disclosure of selecting the printer having its second strongest signal strength from the same access point as that of the second strongest signal strength of the mobile device. Explanation is in order if this rejection is repeated.

Another flaw in the rejection of claims 11 and 12 is the allegation that the print server of Figure 19A is an access point. Claim 1, upon which claims 11 and 12 both ultimately depend, requires the access point to enable messages from the mobile device to be relayed to a plurality of printers via the network. In the embodiment of Figure 19, print server 13-2 cannot receive messages from portable digital device 11-1. Print server 13-2 is outside the dotted circle associated with the transmission range of portable digital device 11-1. Therefore, print server 13-2 cannot be an access point for

enabling messages from portable digital device 11-1 to be relayed to printers 12A, 12B and/or 12C.

The rejection of claim 12 is also incorrect because paragraph 0058 of Ohta does not select a printer based on the printer having the largest number of non-zero signal strengths of the access points in common with the measured signal strengths at the mobile device. The examiner is required to explain the basis for the allegation that paragraph 0058 provides such a disclosure.

The allegation in the Office Action that paragraph 0037 of Ohta discloses the requirement of claims 17 and 26 for the file to be stored on the mobile device and to be transmitted to print server 13 via access point 16 and subsequently forwarded from access point 16 to the selected printer for printout is completely erroneous. In Ohta, the file is stored in print controller 13 and is transmitted to the printer in response to the signal portable device 11 transmits to printer 12C. There is no transmission of a file from the portable digital device. In fact, the portable digital device does not even include a file to be printed.

The remaining dependent claims are allowable for the same reasons advanced for the claims upon which they depend.

In view of the foregoing amendments and remarks, allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**

Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
**Date: June 11, 2007**
AML/cjf